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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,559	03/08/2002	Kazuhiko Arai	0051-0176P-SP	1452
2292	7590 09/09/2004		EXAMINER	
BIRCH ST	EWART KOLASCH &	RICHMAN, GLENN E		
	PO BOX 747 FALLS CHURCH, VA 22040-0747		ART UNIT	PAPER NUMBER
111222 0110	, <u></u>		3764	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		5/
	Application No.	Applicant(s)
	10/092,559	ARAI, KAZUHIKO
Office Action Summary	Examiner	Art Unit
	Glenn Richman	3764
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tin ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
Responsive to communication(s) filed on <u>04 S</u> This action is FINAL . 2b)⊠ This Since this application is in condition for allowa closed in accordance with the practice under B	s action is non-final. nce except for formal matters, pro	
Disposition of Claims		
4) Claim(s) 1-12 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 1-12 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	cepted or b) objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the prio application from the International Burea * See the attached detailed Office action for a list	ts have been received. Is have been received in Application of the comments have been received to the comments of the comments have been received to the comments have been received.	on No ed in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/4/02</u>. 	Paper No(s)/Mail Do 5) Notice of Informal F 6) Other:	ate Patent Application (PTO-152)

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Clem.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown et al disclose an exercise machine which receives exercise related data for a user and selects an exercise program.

Gordon discloses a method and system for generating an exercise program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 703 308-3170. The examiner can normally be reached on Mon-Thurs.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clenn Richman Primary Examiner Art Unit 3764 Page 3